

to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, *supra*; which was ordered to lie on the table.

SA 4272. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, *supra*; which was ordered to lie on the table.

SA 4273. Mr. OSSOFF (for himself, Mr. TILLIS, Mr. SCOTT of South Carolina, Mr. KING, Ms. CORTEZ MASTO, Mr. KELLY, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, *supra*; which was ordered to lie on the table.

SA 4274. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, *supra*; which was ordered to lie on the table.

SA 4275. Mr. DURBIN (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, *supra*; which was ordered to lie on the table.

SA 4276. Mr. BRAUN (for himself, Mr. TILLIS, Mrs. GILLIBRAND, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4225. Mr. MERKLEY (for himself, Mr. WYDEN, Mr. PADILLA, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1043. ADDITIONS TO THE SMITH RIVER NATIONAL RECREATION AREA; DESIGNATION OF COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) ADDITIONS TO THE SMITH RIVER NATIONAL RECREATION AREA.—

(1) DEFINITIONS.—Section 3 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-1) is amended—

(A) in paragraph (1), by striking “referred to in section 4(b)” and inserting “entitled ‘Proposed Smith River National Recreation Area’ and dated July 1990”; and

(B) in paragraph (2), by striking “the Six Rivers National Forest” and inserting “an applicable unit of the National Forest System”.

(2) BOUNDARIES.—Section 4(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-2(b)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting “and on the map entitled ‘Proposed Additions to the Smith River National Recreation Area’ and dated November 14, 2019” after “1990”; and

(ii) in the second sentence, by striking “map” and inserting “maps”; and

(B) in paragraph (2), by striking “map” and inserting “maps described in paragraph (1)”.

(3) ADMINISTRATION.—Section 5 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-3) is amended—

(A) in subsection (b)—

(i) in paragraph (1), in the first sentence, by striking “the map” and inserting “the maps”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “area shall be on” and inserting “area and any portion of the recreation area in the State of Oregon shall be on roadless”; and

(II) by adding at the end the following:

“(I) The Kalmiopsis Wilderness shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).”;

(B) in subsection (c), by striking “by the amendments made by section 10(b) of this Act” and inserting “within the recreation area”; and

(C) by adding at the end the following:

“(d) STUDY; REPORT.—

“(1) IN GENERAL.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall conduct a study of the area depicted on the map entitled ‘Proposed Additions to the Smith River National Recreation Area’ and dated November 14, 2019, that includes inventories and assessments of streams, fens, wetlands, lakes, other water features, and associated land, plants (including Port-Orford-cedar), animals, fungi, algae, and other values, and unstable and potentially unstable aquatic habitat areas in the study area.

“(2) MODIFICATION OF MANAGEMENT PLANS; REPORT.—On completion of the study under paragraph (1), the Secretary shall—

“(A) modify any applicable management plan to fully protect the inventoried values under the study, including to implement additional standards and guidelines; and

“(B) submit to Congress a report describing the results of the study.

“(e) WILDFIRE MANAGEMENT.—Nothing in this Act affects the authority of the Secretary (in cooperation with other Federal, State, and local agencies, as appropriate) to conduct wildland fire operations within the recreation area, consistent with the purposes of this Act.

“(f) VEGETATION MANAGEMENT.—Nothing in this Act prohibits the Secretary from conducting vegetation management projects (including wildfire resiliency and forest health projects) within the recreation area, to the extent consistent with the purposes of the recreation area.

“(g) APPLICATION OF NORTHWEST FOREST PLAN AND ROADLESS RULE TO CERTAIN PORTIONS OF THE RECREATION AREA.—Nothing in this Act affects the application of the Northwest Forest Plan or part 294 of title 36, Code of Federal Regulations (commonly referred to as the ‘Roadless Rule’) (as in effect on the date of enactment of this subsection), to portions of the recreation area in the State of Oregon that are subject to the plan and those regulations as of the date of enactment of this subsection.

“(h) PROTECTION OF TRIBAL RIGHTS.—

“(1) IN GENERAL.—Nothing in this Act diminishes any right of an Indian Tribe.

“(2) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with applicable Indian Tribes with respect to—

“(A) providing the Indian Tribes with access to the portions of the recreation area in the State of Oregon to conduct historical and cultural activities, including the procurement of noncommercial forest products and materials for traditional and cultural purposes; and

“(B) the development of interpretive information to be provided to the public on the history of the Indian Tribes and the use of the recreation area by the Indian Tribes.”.

(4) ACQUISITION.—Section 6(a) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-4(a)) is amended—

(A) in the fourth sentence, by striking “All lands” and inserting the following:

“(4) APPLICABLE LAW.—All land”;

(B) in the third sentence—

(i) by striking “The Secretary” and inserting the following:

“(3) METHOD OF ACQUISITION.—The Secretary”;

(ii) by striking “or any of its political subdivisions” and inserting “, the State of Oregon, or any political subdivision of the State of California or the State of Oregon”; and

(iii) by striking “donation or” and inserting “purchase, donation, or”;

(C) in the second sentence, by striking “In exercising” and inserting the following:

“(2) CONSIDERATION OF OFFERS BY SECRETARY.—In exercising”;

(D) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(E) by adding at the end the following:

“(5) ACQUISITION OF CEDAR CREEK PARCEL.—On the adoption of a resolution by the State Land Board of Oregon and subject to available funding, the Secretary shall acquire all right, title, and interest in and to the approximately 555 acres of land known as the ‘Cedar Creek Parcel’ located in sec. 16, T. 41 S., R. 11 W., Willamette Meridian.”.

(5) FISH AND GAME.—Section 7 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-5) is amended—

(A) in the first sentence, by inserting “or the State of Oregon” after “State of California”; and

(B) in the second sentence, by inserting “or the State of Oregon, as applicable” after “State of California”.

(6) MANAGEMENT PLANNING.—Section 9 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-7) is amended—

(A) in the first sentence, by striking “The Secretary” and inserting the following:

“(a) REVISION OF MANAGEMENT PLAN.—The Secretary”; and

(B) by adding at the end the following:

“(b) SMITH RIVER NATIONAL RECREATION AREA MANAGEMENT PLAN REVISION.—As soon as practicable after the date of the first revision of the forest plan after the date of enactment of this subsection, the Secretary shall revise the management plan for the recreation area—

“(1) to reflect the expansion of the recreation area into the State of Oregon under section 1043 of the National Defense Authorization Act for Fiscal Year 2022; and

“(2) to include an updated recreation action schedule to identify specific use and development plans for the areas described in the map entitled ‘Proposed Additions to the Smith River National Recreation Area’ and dated November 14, 2019.”.

(7) STREAMSIDE PROTECTION ZONES.—Section 11(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-8(b)) is amended by adding at the end the following:

“(24) Each of the river segments described in subparagraph (B) of section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)).”.

(8) STATE AND LOCAL JURISDICTION AND ASSISTANCE.—Section 12 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-9) is amended—

(A) in subsection (a), by striking “California or any political subdivision thereof” and inserting “California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon”; and

(B) in subsection (b), in the matter preceding paragraph (1), by striking “California or its political subdivisions” and inserting

“California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon”; and

(C) in subsection (c), in the first sentence—
(i) by striking “California and its political subdivisions” and inserting “California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon”; and

(ii) by striking “State and its political subdivisions” and inserting “State of California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon”.

(b) WILD AND SCENIC RIVER DESIGNATIONS.—

(1) NORTH FORK SMITH ADDITIONS, OREGON.—

(A) FINDING.—Congress finds that the source tributaries of the North Fork Smith River in the State of Oregon possess outstandingly remarkable wild anadromous fish and prehistoric, cultural, botanical, recreational, and water quality values.

(B) DESIGNATION.—Section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)) is amended—

(i) in subparagraph (B), by striking “scenic” and inserting “wild”; and

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(iii) in the matter preceding clause (i) (as so redesignated), by striking “The 13-mile” and inserting the following:

“(A) IN GENERAL.—The 13-mile”; and

(iv) by adding at the end the following:

“(B) ADDITIONS.—The following segments of the source tributaries of the North Fork Smith River, to be administered by the Secretary of Agriculture in the following classes:

“(i) The 13.26-mile segment of Baldface Creek from its headwaters, including all perennial tributaries, to the confluence with the North Fork Smith in T. 39 S., R. 10 W., T. 40 S., R. 10 W., and T. 41 S., R. 11 W., Willamette Meridian, as a wild river.

“(ii) The 3.58-mile segment from the headwaters of Taylor Creek to the confluence with Baldface Creek, as a wild river.

“(iii) The 4.38-mile segment from the headwaters of the unnamed tributary to Biscuit Creek and the headwaters of Biscuit Creek to the confluence with Baldface Creek, as a wild river.

“(iv) The 2.27-mile segment from the headwaters of Spokane Creek to the confluence with Baldface Creek, as a wild river.

“(v) The 1.25-mile segment from the headwaters of Rock Creek to the confluence with Baldface Creek, flowing south from sec. 19, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(vi) The 1.31-mile segment from the headwaters of the unnamed tributary number 2 to the confluence with Baldface Creek, flowing north from sec. 27, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(vii) The 3.6-mile segment from the 2 headwaters of the unnamed tributary number 3 to the confluence with Baldface Creek, flowing south from secs. 9 and 10, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(viii) The 1.57-mile segment from the headwaters of the unnamed tributary number 4 to the confluence with Baldface Creek, flowing north from sec. 26, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(ix) The 0.92-mile segment from the headwaters of the unnamed tributary number 5 to the confluence with Baldface Creek, flowing north from sec. 13, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(x) The 4.90-mile segment from the headwaters of Cedar Creek to the confluence with North Fork Smith River, as a wild river.

“(xi) The 2.38-mile segment from the headwaters of Packsaddle Gulch to the con-

fluence with North Fork Smith River, as a wild river.

“(xii) The 2.4-mile segment from the headwaters of Hardtack Creek to the confluence with North Fork Smith River, as a wild river.

“(xiii) The 2.21-mile segment from the headwaters of the unnamed creek to the confluence with North Fork Smith River, flowing east from sec. 29, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

“(xiv) The 3.06-mile segment from the headwaters of Horse Creek to the confluence with North Fork Smith River, as a wild river.

“(xv) The 2.61-mile segment of Fall Creek from the Oregon State border to the confluence with North Fork Smith River, as a wild river.

“(xvi)(I) Except as provided in subclause (II), the 4.57-mile segment from the headwaters of North Fork Diamond Creek to the confluence with Diamond Creek, as a wild river.

“(II) Notwithstanding subclause (I), the portion of the segment described in that subclause that starts 100 feet above Forest Service Road 4402 and ends 100 feet below Forest Service Road 4402 shall be administered as a scenic river.

“(xvii) The 1.02-mile segment from the headwaters of Diamond Creek to the Oregon State border in sec. 14, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(xviii) The 1.14-mile segment from the headwaters of Acorn Creek to the confluence with Horse Creek, as a wild river.

“(xix) The 8.58-mile segment from the headwaters of Chrome Creek to the confluence with North Fork Smith River, as a wild river.

“(xx) The 2.98-mile segment from the headwaters of Chrome Creek tributary number 1 to the confluence with Chrome Creek, 0.82 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 15, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

“(xxi) The 2.19-mile segment from the headwaters of Chrome Creek tributary number 2 to the confluence with Chrome Creek, 3.33 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 12, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

“(xxii) The 1.27-mile segment from the headwaters of Chrome Creek tributary number 3 to the confluence with Chrome Creek, 4.28 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing north from sec. 18, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(xxiii) The 2.27-mile segment from the headwaters of Chrome Creek tributary number 4 to the confluence with Chrome Creek, 6.13 miles upstream from the mouth of Chrome Creek, flowing south from Chetco Peak in the Kalmiopsis Wilderness in sec. 36, T. 39 S., R. 11 W., Willamette Meridian, as a wild river.

“(xxiv) The 0.6-mile segment from the headwaters of Wimer Creek to the border between the States of Oregon and California, flowing south from sec. 17, T. 41 S., R. 10 W., Willamette Meridian, as a wild river.”.

(2) EXPANSION OF SMITH RIVER, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (11) and inserting the following:

“(11) SMITH RIVER, CALIFORNIA AND OREGON.—The segment from the confluence of the Middle Fork Smith River and the North Fork Smith River to the Six Rivers National Forest boundary, including the following segments of the mainstem and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

“(A) MAINSTEM.—The segment from the confluence of the Middle Fork Smith River and the South Fork Smith River to the Six Rivers National Forest boundary, as a recreational river.

“(B) ROWDY CREEK.—

“(i) UPPER.—The segment from and including the headwaters to the California-Oregon State line, as a wild river.

“(ii) LOWER.—The segment from the California-Oregon State line to the Six Rivers National Forest boundary, as a recreational river.”.

SA 4226. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 10 . . . SUTTON MOUNTAIN AND PAINTED HILLS AREA WILDFIRE RESILIENCY PRESERVATION AND ECONOMIC ENHANCEMENT.

(a) DEFINITIONS.—In this section:

(1) ACTIVE HABITAT RESTORATION.—The term “active habitat restoration” means, with respect to an area, to restore and enhance the ecological health of the area through the use of management tools consistent with this section.

(2) CITY.—The term “City” means the city of Mitchell, Oregon.

(3) COUNTY.—The term “County” means Wheeler County, Oregon.

(4) ECOLOGICAL HEALTH.—The term “ecological health” means the ability of the ecological processes of a native ecosystem to function in a manner that maintains the structure, composition, activity, and resilience of the ecosystem over time, including an ecologically appropriate diversity of plant and animal communities, habitats, and conditions that are sustainable through successional processes.

(5) LANDOWNER.—The term “landowner” means an owner of non-Federal land that enters into a land exchange with the Secretary under subsection (c)(1).

(6) LOWER UNIT.—The term “Lower Unit” means the area that consists of the approximately 27,184 acres of land generally depicted as “Proposed National Monument-Lower Unit” on the Map.

(7) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Monument developed by the Secretary under subsection (b)(4)(B).

(8) MAP.—The term “Map” means the map prepared by the Bureau of Land Management entitled “Sutton Complex-Painted Hills National Monument Proposal” and dated October 27, 2021.

(9) MONUMENT.—The term “Monument” means the Sutton Mountain National Monument established by subsection (b)(1).

(10) PASSIVE HABITAT MANAGEMENT.—The term “passive habitat management” means those actions that are proposed or implemented to address degraded or non-functioning resource conditions that are expected to improve the ecological health of the area without additional on-the-ground actions, such that resource objectives and desired outcomes are anticipated to be reached without additional human intervention.